



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

Applicant: Mississippi Department of Agriculture and Commerce
Program/Audit Type: National Organic Program/Accreditation for Organic Certification
Organizations- Initial Desk Audit
Location(s): Desk Audit
Audit Date(s): March 31 – April 11, 2003
Audit File Number: NP3090OA
Action Required: Yes
Auditor(s): Darrell Wilson
Contact: Guy Feltenstein – Director

AUDIT ACTIVITIES

On the above dates, a representative of the USDA, AMS, LS, Audit, Review, and Compliance (ARC) Branch conducted a review of documents submitted by Mississippi Department of Agriculture and Commerce (MDAC), Jackson, Mississippi, for compliance to the USDA, AMS 7 CFR Part 205, National Organic Program, Final Rule.

OBSERVATIONS

MDAC has submitted an application and all supporting documents to the National Organic Program. The application and documents were sent to the assigned auditor for review, and it was found that MDAC did not address or completely address all revisions of the final rule.

FINDINGS

The following provisions of the final rule could not be found or were incomplete in the MDAC standards and supporting documentation:

- **Your Quality Manual and Notice to Certified Operation of Rights and Duties of Certified Entities** make reference to compliance to MDAC requirements. *What are these requirements and how do they effect certification?*
- **205.101 (a)** states that "...\$5,000.00 or less annually is exempt form certification under subpart E of this part and from **submitting an organic system plan...**". *Your Quality Manual on page 3 indicates that exempt operations must register by using an organic farm plan questionnaire.*
- **205.201** Your Chapter 47 Organic Certification Program §69-47-17 (2) states that a separate application shall be submitted for each farm, farm unit, processing plant, distribution facility or retail operation. *Unless these are run as a separate entity by the owner, this in an additional requirement and must not be used for NOP certification.*
- **205.202 (c)** states that there must be distinct, defined boundaries and buffer zones. *Your Organic Farm Plan and Chapter 47 §69-47-3 (3) (c) defines these boundaries as 15, 25, 30 and 50 foot boundaries. This is an additional requirement and must not be used as a basis for certification or denial of certification.*
- **205.203 (b)** Your Chapter 47 Organic Certification Program §69-47-5 (8) (9) references requirement for applicant to provide soil and water analysis results. *There are no requirements for soil testing or water residue testing in NOP. . This is an additional requirement and must not be used as a basis for certification or denial of certification.*
- **205.203 (c) (1 & 2)** refer to requirements to manure and compost. *Your Organic Farm Plan references residue analysis for manure and compost. There is no requirement of residue analysis found in NOP. This is an additional requirement and must not be used as a basis for certification*

or denial of certification.

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- **205.205** Your Chapter 47 Organic Certification Program §69-47-5 (3) (a) references that a 3 year rotation. *There is no time requirement in NOP and is an additional requirement and must not be used as a basis for certification or denial of certification.*
- **205.270 (a)** mechanical or biological processing methods. *No mention to processing methods was found.*
- **205.271 (e)** “The handler of an organic handling operation who applies a non-synthetic of synthetic substance ...must update the operation’s organic handling plan..” *Reference to informing MDAC was found but no reference to certified operation updating their plan.*
- **205.300 (b, c & d)** Verifiable procedures were not found for these elements.
- **205.301 (e)** Verifiable procedures for ensuring clients producing livestock feed are in compliance were not found.
- **205.308** A verifiable procedure was not found for this section.
- **205.309** A verifiable procedure was not found for this section.
- **205.400 (c)** Notice to Certified Operation of Rights and Duties of Certified Entities requires access to non certified areas of operations. *The NOP does not grant authority to access non certified operations or documents related to non certified areas.*
- **205.402 (c)** States “The applicant may withdraw its application at any time.” *Reference was found to allowing applicant to withdraw but there were no procedures found as to the process of how withdrawal handled.*
- **205.404 (a)** Your Chapter 47 Organic Certification Program §69-47-5 (7) indicates that greenhouse units must be solely organic. *This is an additional requirement and must not be used as a basis for certification or denial of certification.*
- **205.404 (c)** Once certified, certification remains in effect until suspended or revoked. *Your Organic Certification Process Flow Chart references Annual Re-Certification. There is no re-certification in NOP.*
- **205.405 (d)** Example of Notice of Denial was not submitted for review.
- **205.501 (a)** A private or governmental entity accredited as a certifying agent under this subpart must have sufficient expertise... *Qualifications of personnel were not submitted for review. Job qualifications or descriptions not found.*
- **205.501 (b) (1)** Does not require the use of it’s seal, logo... *Your Organic Farming Regulation Section V states “All certified products must have the Mississippi Certified, the USDA Certified Organic Label or a label approved by the Mississippi Department of Agriculture and Commerce.*
- **205.600** A documented procedure to ensure substances used are allowed on the National List was not found. *Organic Farm Questionnaire references OMRI Materials List, there is no mention of the National List.*
- **205.607 (c) NOTE: Address in regulation in relation to petitioning the National List is no longer valid. Check the NOP website for correct address.**
- **205.641 (a) NOTE: Address in regulation in relation to payments of fees and other charges, is no longer valid. Check NOP website for correct address.**
- **205.642** Fee schedules in your Quality Manual and State Regulation Chapter 47 do not match. *Which schedule is correct.*
 - Fee schedule refers to “renewal Fee”. *There is no renewal in NOP.*
 - A fee schedule must be provided to all persons inquiring about the application process. *No reference to the fee schedule being provided was found.*
- **205.661** A certifying agent may investigate complaints. *In your Organic Farming Regulations Section X references procedures for complaints. There is no reference to NOP found in these*

procedures.

- **205.662 (c)** Proposed suspension or revocation. *Reference to suspension or revocation was not found. Forms were not submitted for review.*
- **205.662 (e)** Suspension or Revocation. *Procedure for issuance of suspension or revocation was not found. No reference to not sending a notification to a certified operation that has requested mediation or filed an appeal for which final resolution is pending.*
- **205.663** Any dispute with respect to denial of certification or proposed suspension or revocation of certification under this part may be mediated at the request of the applicant.... *Reference to how mediation is handled was not found.*
- **205.672** Emergency Pest or Disease Treatment. *Policy on page 3 of the Quality Manual does not completely address this issue.*
- **205.681 (a)** Appeals. *How are client informed of steps to file an appeal?* **NOTE: Address in Final rule is no longer valid. Refer to NOP website for correct address.**

RECOMMENDATIONS

At this time a formal recommendation for accreditation cannot be made because insufficient information was submitted. I recommend that MDAC address the above noted deviations and submit the changes to the reviewer.